

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: HIRATANI et al.
Serial No.: 09/242,046
Filed: February 8, 1999
For: SEMICONDUCTOR DEVICE AND ITS MANUFACTURING METHOD



RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC 371

Assistant Commissioner for Patents
Washington, D.C. 20231

July 20, 1999

Sir:

In response to the Notification of Missing Requirements Under 35 USC 371, dated April 20, 1999, applicants respectfully submit the following response.

In the Notification of Missing Requirements, it has been stated that the oath or declaration of the inventors is defective. It has further been indicated that "inventor no. 2 on Dec. - Keiko Abdelghafar not on IA."

In response to this, applicants respectfully submit that the declaration filed by the inventors is, in fact, accurate and not defective. Specifically, the second listed inventor, Keiko Abdelghafar, actually signed the declaration (and the assignment) with her correct name as of the time of signing (January 26, 1999). Specifically, Ms. Keiko Abdelghafar married between the time of the international application (at which time her name was Keiko Kushida) and the time of entry into the national phase in the United States. Therefore, the name listed in the international application (Keiko Kushida) was her correct name at the time of filing the international

application, while the name listed on the declaration (Keiko Abdelghafar) was correct as of the time of entering the national phase. Given this situation, it is respectfully submitted that the declaration which has already been filed is quite correct, and fully meets the requirements of 37 CFR 1.497(a) and (b) for all of the inventors to execute the declaration for the United States national phase using their correct names.

In light of the explanation provided above indicating that the declaration which has already been filed is, in fact, correct, acceptance of this declaration and removal of the requirement for submission of a new declaration is respectfully requested.

In addition, removal of the requirement of payment of a surcharge for submission of the oath or declaration later than the appropriate twenty or thirty month date is also respectfully requested. In this case, as noted above, the declaration submitted with the application is, in fact, accurate and fully complies with the rules. Therefore, no surcharge should be necessary. If, however, it is determined that a surcharge is necessary for any reason, it is respectfully requested that the charge be made to the deposit account number indicated below.

It is noted that a petition for extension of time to allow time for responding to the Notification of Missing Requirements is attached herewith, together with payment of the appropriate fee.

Although it does not appear to be required in this case, in order to clarify this matter, a petition is being prepared under 37 CFR 1.182 for Ms. Keiko Abdelghafar verifying that her name change took place because of her marriage. This petition will be filed in the near future.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.36894X00), and please credit any excess fees to said deposit account.

Respectfully submitted,

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